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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,060	02/27/2002	Etsuro Saito	21778.05600	3243

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EXAMINER

SPEARS, ERIC J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,060

Applicant(s)

SAITO ET AL.

Examiner

Eric J Spears

Art Unit

2878

HW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, the phrase "from a side across a light source" is unclear as it is not recited as to what object "a side" belongs to and as the phrase "across a light source is not understood. The phrase will be examined as if it read "from a side of the opening which is opposite a light source".

Regarding Claim 2, the phrase "for one line", on line 4, renders the claim indefinite as it is not recited of the "one line" is a line of. Further the phrase "position of said opening", on lines 4-5, renders the claim indefinite as no reference is recited to which the position is measured.

Regarding Claim 3, the phrase "for one line", on line 4, renders the claim indefinite as it is not recited of the "one line" is a line of. Further, the phrase "new measurement position", on line 4, renders the claim indefinite as no reference is recited to which the position is measured.

Regarding Claim 5, the phrase "new detection region", on line 4, renders the claim indefinite as it is not recited as to what the "detection region" belongs.

Regarding Claim 7, it is not understood what is meant by the phrase "a luminance level...is relatively and digitized", as the phrase lacks an adjective after "relatively". The phrase will be examined as reading "a luminance level...is digitized".

Regarding Claim 8, the phrase "from a side across a light source" is unclear as it is not recited as to what object "a side" belongs to and as the phrase "across a light source" is not understood. The phrase will be examined as if it read "from a side of the opening which is opposite a light source".

Regarding Claim 9, the phrase "for one line", on line 4, renders the claim indefinite as it is not recited of the "one line" is a line of. Further the phrase "position of said opening", on lines 4-5, renders the claim indefinite as no reference is recited to which the position is measured.

Regarding Claim 10, the phrase "for one line", on line 4, renders the claim indefinite as it is not recited of the "one line" is a line of. Further, the phrase "new measurement position", on line 4, renders the claim indefinite as no reference is recited to which the position is measured.

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Regarding Claim 12, the phrase "new detection region", on line 4, renders the claim indefinite as it is not recited as to what the "detection region" belongs.

Regarding Claim 14, it is not understood what is meant by the phrase "a luminance level...is relatively and digitized", as the phrase lacks an adjective after "relatively". The phrase will be examined as reading "a luminance level...is digitized".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-10, 13, and 14 rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. (2002/0034336).

Regarding Claims 1 and 8, Shiota teaches a quantity-of-light unevenness inspection apparatus and method performed thereby, comprising: photographing means 36 for photographing an opening 28 when the light from a light source 26 is applied to the opening so that film A is irradiated with the light; luminance signal detecting means 42 for detecting a luminance signal of the opening based on the image of said opening shot by said photographing means; luminance level waveform pattern 16 creating means for creating a luminance level waveform pattern according to said luminance

signal; and display means 10 or 24 for displaying said luminance level waveform pattern as quantity-of-light unevenness of said light with which said opening irradiated.

Regarding Claims 2 and 9, Shiota teaches wherein said luminance signal detecting means detects a luminance signal for one line at a specified measurement position of said opening based on the image of said opening (See fig. 1).

Regarding Claims 3 and 10, Shiota teaches wherein said luminance signal detecting means detects luminance signals for one line at a new measurement position changed by a user with a switching means (See Figs 8). It should be noted that Shiota shows the film on spools which would slide film past the opening (See Fig. 8)

Regarding Claims 6 and 13, Shiota teaches wherein said display means overlaps and displays the image of said opening shot by said photographing means and said luminance level waveform pattern (See Fig. 1).

Regarding Claims 7 and 14, Shiota teaches digitizing image data (Fig. 5b) and normalizing signal to be output (see Fig. 14b; Sec 221)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (2002/0034336).

Regarding Claims 4, 5, 11, and 12, Shiota does not explicitly teach integrating the output of the photographing means. However, it is well known in the art to for photographing means to have an integration or exposure time (e.g. a shutter duration). It would have been obvious to one of ordinary skill in the art to provide for integrating the image signal, in order to compensate for a low level of light from the light source.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumoto (4,727,399) teaches an image inspection and a display apparatus.

Sakaguchi (5,767,989) teaches an image inspection and a display apparatus.

Kajiwara (5,875,022) teaches an image inspection and a display apparatus.

Iwaki (6,512,238) teaches an image inspection and a display apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Spears whose telephone number is (703) 306-0033. The examiner can normally be reached on Monday-Friday from 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

EJS

12/26/03



Que T. Le
Primary Examiner